

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

v.

FRANCIS PLAZA

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: CASE NO. 3:20-mc-277
: (JUDGE MARIANI)

ORDER

AND NOW, THIS 18TH DAY OF MAY 2020, upon consideration of the “Motion to Stay Filing of Writ of Habeas Corpus Due to Current Proceedings in State Court” (Doc. 1) filed in the above-captioned action, for the reasons set forth in the Court’s simultaneously filed Memorandum Opinion, **IT IS HEREBY ORDERED THAT:**

1. The Motion to Stay Filing of Writ of Habeas Corpus Due to Current Proceedings in State Court (Doc. 1) is **DISMISSED** for lack of subject matter jurisdiction.
2. The dismissal is without prejudice to Mr. Plaza’s ability to properly file a habeas petition in this Court.
3. No Certificate of Appealability shall issue.
4. The Clerk of Court is directed to send Mr. Plaza the proper form for filing a habeas petition pursuant to 28 U.S.C. § 2254 and related documents.¹
5. The Clerk of Court is directed to **CLOSE** this case.

s/ Robert D. Mariani
Robert D. Mariani
United States District Judge

¹ In so ordering, the Court neither directs Mr. Plaza to file a petition nor makes any findings on the appropriateness of such a filing.